

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JAMES FOY BULLARD, et al.,
Plaintiffs,

v.

SHELIA MOORE SMEAL, et al.,
Defendants.

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CIVIL ACTION NO. 19-CV-1186

ORDER

AND NOW, this 28th day of April, 2019, upon consideration of Plaintiff James Foy Bullard's Motion to Proceed *In Forma Pauperis* (Doc. No. 5), his Prisoner Trust Fund Account Statement (Doc. No. 6), and his *pro se* Complaint (Doc. No. 1), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED**.
2. James Foy Bullard, #685953, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Warden of the Philadelphia Industrial Correctional Center or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Mr. Bullard's inmate account; or (b) the average monthly balance in Mr. Bullard's inmate account for the six-month period immediately preceding the filing of this case. The Warden or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Mr. Bullard's inmate trust fund account exceeds \$10.00, the Warden or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Mr. Bullard's inmate account until the fees are paid. Each payment shall reference the docket number for this case.

3. The Clerk of Court is directed to **SEND** a copy of this order to the Warden of the Philadelphia Industrial Correctional Center.

4. The Complaint is **DEEMED** filed.

5. The Clerk of Court shall **TERMINATE** Abdul Ideen as a Plaintiff in this matter because Abdul Ideen and James Foy Bullard are the same person.

6. The Complaint is **DISMISSED without prejudice** for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for the reasons discussed in the Court's Memorandum.

7. Mr. Bullard may file an amended complaint within thirty (30) days of the date of this Order. Any amended complaint must identify all defendants in the caption of the amended complaint and must clearly state the factual basis for Mr. Bullard's claims against each defendant. Upon the filing of an amended complaint, the Clerk of Court shall not make service until so **ORDERED**.

8. The Clerk of Court shall **SEND** Mr. Bullard a blank copy of the Court's form complaint to be used by a *pro se* prisoner filing a civil action bearing the above civil action number. Mr. Bullard may use this form to file an amended complaint if he chooses to do so.

9. If Mr. Bullard fails to file an amended complaint, this case may be dismissed for failure to prosecute without further notice.

BY THE COURT:



GENE E.K. PRATTER, J.